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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/612,918	07/07/2003	Kelly F. Williams	91429MGB	6941

1333 7590 02/12/2007  
PATENT LEGAL STAFF  
EASTMAN KODAK COMPANY  
343 STATE STREET  
ROCHESTER, NY 14650-2201

EXAMINER
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NGUYEN, JIMMY T

ART UNIT	PAPER NUMBER
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3725

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/12/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/612,918

Applicant(s)

WILLIAMS, KELLY F.

Examiner

Jimmy T. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) 23-27 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4-12 is/are allowed.
- 6) ☒ Claim(s) 1-3 and 13-21 is/are rejected.
- 7) ☒ Claim(s) 22 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 November 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 20, 2006 has been entered.

### ***Drawings***

The proposed drawing correction filed on November 20, 2006 has been acknowledged and approved. The drawing correction sufficiently overcomes the drawing objections noted in the previous Office action.

### ***Specification***

The proposed amendment filed on November 20, 2006 has been acknowledged and approved. The amendment sufficiently overcomes the disclosure informalities noted in the previous Office action.

***Claim Rejections - 35 USC § 102***

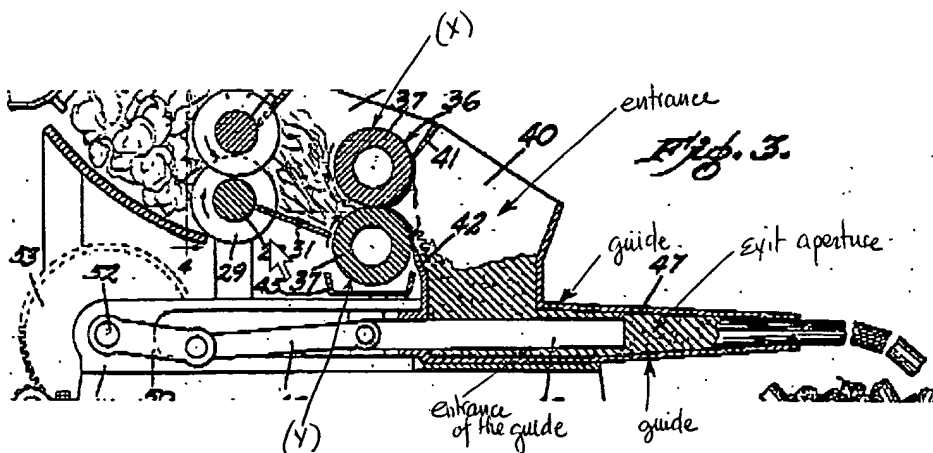
The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1-3, 14, 15, 19 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Paxton (US 1,819,480).**

Regarding claim 1, Paxton discloses a compactor comprising: an elongate compression chamber having an entrance and an exit aperture (see the illustration below); a pair of opposing input rollers (37) located at the entrance to the pre-compression chamber, at least one of the rollers provided with rotational drive (page 2, lines 12-14); a moveable plunger (48) operable to sweep a volume of the pre-compression chamber between the entrance and the exit. As to the added limitation “a slipsheet” in the claim, since the invention is related to the compactor, and no patentable weight is given to the material that is used in the apparatus. Therefore, Paxton discloses the compactor as claimed as set forth above, thus the compactor is capable of compacting slipsheet.



Regarding claim 2, the pre-compression chamber has a transverse cross section that is inwardly tapered towards the exit aperture (see the illustration above).

Regarding claim 3, the pre-compression chamber comprises a pair of spaced apart guides defining a passageway having an entrance at one end thereof and defining the exit aperture at the other end thereof, the passageway inwardly tapered at least in a portion in proximity to the exit aperture (see illustration above).

Regarding claim 14, at least one of the input rollers is faced with a compliant material (i.e. steel, see page 2, line 12).

Regarding claim 15, each of the opposing input roller is provided with a rotation drive (page 2, lines 13-15).

Regarding claim 19, a guide wheel (28) (the Examiner interprets the wheel (28) as the guide wheel because while it shredded material, it also guides the material into the input rollers (37)) located in proximity to the input rollers outside of the chamber.

Regarding claim 21, a first one of the input rollers (see (X) in the illustration above) has an arc length exposed in the pre-compression chamber longer than an exposed arc length of a second one (see (Y) in the illustration above) of the input rollers.

**Claims 1, 13, 16-18 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Lee (US 2,686,466).** The claims are rejected for substantially the same reasons as set forth in the last Office action. Those reasons are herein repeated.

Regarding claim 1, Lee discloses a compactor comprising: an elongate compression chamber (A1) having an entrance (at the section where the reference number (10) is pointed to in

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fig. 1) and an exit aperture (at the element (56)) ; a pair of opposing input rollers (D1 and D2) located at the entrance to the pre-compression chamber, at least one of the rollers provided with rotational drive (44); a moveable plunger (L) operable to sweep a volume of the pre-compression chamber between the entrance and the exit (fig. 1). As to the added limitation “a slipsheet” in the claim, since the invention is related to the compactor, no patentable weight is given to the material that is used in the apparatus. Therefore, Lee discloses the compactor as claimed as set forth above, and thus the compactor is capable of compacting slipsheet.

Regarding claim 13, a mechanism (49, 50 and 51) configured to sweep the plunger through the chamber along a curved path (fig. 1).

Regarding claim 16, the input roller comprises a plurality of roller units longitudinal arrayed to provide a roller surface (fig. 9).

Regarding claim 17, Lee discloses sheets of paper are being fed through the input roller (d1 and D2), which have a width smaller than a width of the chamber (figs. 1-4), and thus, Lee discloses the chamber has a width greater than a width of the sheets.

Regarding claim 18, the chamber extend between a pair of end plates (5 and 10) located at longitudinal ends thereof (fig. 1).

Regarding claim 20, one of the input rollers is moveable laterally to open the entrance to the chamber (col. 7, lines 9-11).

***Allowable Subject Matter***

Claims 4-12 are allowed.

Claim 22 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance:

Claim 4 is allowable because the art of record, considered alone or in combination, neither anticipates nor renders obvious a compactor *comprising the plunger comprises a plurality of outwardly extending fingers and at least one of the guides has corresponding channels for intermeshing with the fingers*, in combination with the rest of the claimed limitations.

Claim 5 is allowable because the art of record, considered alone or in combination, neither anticipates nor renders obvious a compactor *comprising the plunger comprises a plurality of outwardly extending fingers and at least one of the input rollers has corresponding channels in the surfaces thereof for intermeshing with the fingers*, in combination with the rest of the claimed limitations.

Claim 7 is allowable because the art of record, considered alone or in combination, neither anticipates nor renders obvious a compactor *comprising the plunger comprises a central backbone with plurality fingers extending outwardly from either side of the backbone*, in combination with the rest of the claimed limitations.

Claim 21 is allowable because the art of record, considered alone or in combination, neither anticipates nor renders obvious a compactor *comprising two input rollers, wherein a first one of the input rollers has an arc length exposed in the pre-compression chamber longer than an exposed arc length of a second one of the input rollers*, in combination with the rest of the claimed limitations.

***Response to Arguments***

Applicant's arguments filed November 20, 2006 have been fully considered but they are not persuasive.

With respect to the argument of claim 1, Applicant argued that neither Paxton nor Lee discloses the invention as claimed in claim 1 because the limitation "a slipsheet" is recited in the claim. With respect to Applicant's assertion, this argument has been considered. However, since the invention is related to an apparatus (i.e. the compactor), no patentable weight is given to the material that is used in the apparatus. The limitation "a slipsheet" is being given patentable weight in only a method claim. Therefore, as Lee and Paxton disclose the compactor as claimed as set forth above, their compactors are capable of compacting slipsheet; and thus Paxton and Lee disclose the invention as claimed in claim 1.

***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jimmy T. Nguyen whose telephone number is (571) 272-4520. The examiner can normally be reached on Monday-Thursday 7:30am-5:00pm with alternating Friday 7:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lowell Larson can be reached on (571) 272- 4519. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JTNguyen  
February 05, 2007

  
JIMMY T. NGUYEN  
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